



General Assembly

January Session, 2009

Raised Bill No. 787

LCO No. 2668

* ____SB00787PS____021809____*

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

***AN ACT CONCERNING THE INTERNATIONAL EMERGENCY
MANAGEMENT ASSISTANCE COMPACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) This state hereby joins in a
2 compact with such other states and territories legally joining in, in the
3 form substantially as follows:

4 Article I. International Emergency Management Assistance
5 Memorandum of Understanding: Purpose and Authorities.

6 The International Emergency Management Assistance
7 Memorandum of Understanding, hereinafter referred to as the
8 "compact," is made and entered into by and among such of the
9 jurisdictions as shall enact or adopt this compact, hereinafter referred
10 to as "party jurisdictions." For the purposes of this agreement, the term
11 "jurisdictions" may include any or all of the states of Maine, New
12 Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut
13 and the provinces of Quebec, New Brunswick, Prince Edward Island,
14 Nova Scotia and Newfoundland, and such other states and provinces
15 as may hereafter become a party to this compact.

16 The purpose of this compact is to provide for the possibility of
17 mutual assistance among the jurisdictions entering into this compact in
18 managing any emergency or disaster when the affected jurisdiction or
19 jurisdictions request assistance, whether such emergency or disaster
20 arises from natural disaster, technological hazard, manmade disaster
21 or civil emergency aspects of resources shortages.

22 This compact also provides for the process of planning mechanisms
23 among the agencies responsible and for mutual cooperation, including,
24 if necessary, emergency-related exercises, testing, or other training
25 activities using equipment and personnel simulating performance of
26 any aspect of the giving and receiving of aid by party jurisdictions or
27 subdivisions of party jurisdictions during emergencies, with such
28 actions occurring outside actual declared emergency periods. Mutual
29 assistance in this compact may include the use of emergency forces by
30 mutual agreement among party jurisdictions.

31 Article II. General Implementation.

32 Each party jurisdiction entering into this compact recognizes many
33 emergencies may exceed the capabilities of a party jurisdiction and
34 that intergovernmental cooperation is essential in such circumstances.
35 Each jurisdiction further recognizes that there will be emergencies that
36 may require immediate access and existing procedures to apply
37 outside resources to make a prompt and effective response to such an
38 emergency because few, if any, individual jurisdictions have all the
39 resources they need in all types of emergencies or the capability of
40 delivering resources to areas where emergencies exist.

41 The prompt, full, and effective utilization of resources of the
42 participating jurisdictions, including any resources on hand or
43 available from any other source that are essential to the safety, care,
44 and welfare of the people in the event of any emergency or disaster,
45 shall be the underlying principle upon which all articles of this
46 compact are understood.

47 On behalf of the party jurisdictions participating in the compact, the
48 legally designated official who is assigned responsibility for
49 emergency management is responsible for formulation of the
50 appropriate inter-jurisdictional mutual aid plans and procedures
51 necessary to implement this compact, and for recommendations to the
52 jurisdiction concerned with respect to the amendment of any statutes,
53 regulations, or ordinances required for that purpose.

54 Article III. Party Jurisdiction Responsibilities.

55 (a) Formulate Plans and Programs. It is the responsibility of each
56 party jurisdiction to formulate procedural plans and programs for
57 inter-jurisdictional cooperation in the performance of the
58 responsibilities listed in this section. In formulating and implementing
59 such plans and programs the party jurisdictions, to the extent practical,
60 shall:

61 (1) Review individual jurisdiction hazards analyses that are
62 available and, to the extent reasonably possible, determine all the
63 potential emergencies the party jurisdictions might jointly suffer,
64 whether due to natural disaster, technological hazard, manmade
65 disaster or emergency aspects of resource shortages;

66 (2) Initiate a process to review party jurisdictions' individual
67 emergency plans and develop a plan that will determine the
68 mechanism for the inter-jurisdictional cooperation;

69 (3) Develop inter-jurisdictional procedures to fill any identified gaps
70 and to resolve any identified inconsistencies or overlaps in existing or
71 developed plans;

72 (4) Assist in warning communities adjacent to or crossing
73 jurisdictional boundaries;

74 (5) Protect and ensure delivery of services, medicines, water, food,
75 energy and fuel, search and rescue, and critical lifeline equipment,
76 services and resources, both human and material, to the extent

77 authorized by law;

78 (6) Inventory and agree upon procedures for the inter-jurisdictional
79 loan and delivery of human and material resources, together with
80 procedures for reimbursement or forgiveness; and

81 (7) Provide, to the extent authorized by law, for temporary
82 suspension of any statutes or ordinances, over which the province or
83 state has jurisdiction, that impede the implementation of the
84 responsibilities described in this subsection.

85 (b) Request Assistance. The authorized representative of a party
86 jurisdiction may request assistance of another party jurisdiction by
87 contacting the authorized representative of such jurisdiction. These
88 provisions only apply to requests for assistance made by and to
89 authorized representatives. Requests may be verbal or in writing. If
90 verbal, the request shall be confirmed in writing not later than fifteen
91 days after the verbal request. Requests shall provide the following
92 information:

93 (1) A description of the emergency service function for which
94 assistance is needed and of the mission or missions, including, but not
95 limited to, fire services, emergency medical, transportation,
96 communications, public works and engineering, building inspection,
97 planning and information assistance, mass care, resource support,
98 health and medical services, and search and rescue;

99 (2) The amount and type of personnel, equipment, materials, and
100 supplies needed and a reasonable estimate of the length of time they
101 will be needed; and

102 (3) The specific place and time for staging of the assisting party's
103 response and a point of contact at the location.

104 (c) Consultation Among Party Jurisdiction Officials. There shall be
105 frequent consultation among the party jurisdiction officials who have
106 assigned emergency management responsibilities, such officials

107 collectively to be known as the international emergency management
108 group, and other appropriate representatives of the party jurisdictions
109 with free exchange of information, plans, and resource records relating
110 to emergency capabilities to the extent authorized by law.

111 Article IV. Limitation.

112 Any party jurisdiction requested to render mutual aid or conduct
113 exercises and training for mutual aid shall undertake to respond as
114 soon as possible, except that it is understood that the jurisdiction
115 rendering aid may withhold or recall resources to the extent necessary
116 to provide reasonable protection for such jurisdiction. Each party
117 jurisdiction shall afford to the personnel of the emergency forces of any
118 party jurisdiction, while operating within its jurisdictional limits under
119 the terms and conditions of this compact and under the operational
120 control of an officer of the requesting party, the same powers, duties,
121 rights, privileges, and immunities as are afforded similar or like forces
122 of the jurisdiction in which they are performing emergency services.
123 Emergency forces shall continue under the command and control of
124 their regular leaders, but the organizational units shall come under the
125 operational control of the emergency services authorities of the
126 jurisdiction receiving assistance. These conditions may be activated, as
127 needed, by the jurisdiction that is to receive assistance or upon
128 commencement of exercises or training for mutual aid and continue as
129 long as the exercises or training for mutual aid are in progress, the
130 emergency or disaster remains in effect or loaned resources remain in
131 the receiving jurisdiction or jurisdictions, whichever is longer. The
132 receiving jurisdiction is responsible for informing the assisting
133 jurisdictions of the specific moment when services will no longer be
134 required.

135 Article V. Licenses and Permits.

136 Whenever a person holds a license, certificate, or other permit
137 issued by any party jurisdiction evidencing the meeting of
138 qualifications for professional, mechanical, or other skills, and when

139 such assistance is requested by a party jurisdiction, such person is
140 deemed to be licensed, certified, or permitted by the jurisdiction
141 requesting assistance to render aid involving such skill to meet an
142 emergency or disaster, subject to such limitations and conditions as the
143 requesting jurisdiction prescribes by executive order or otherwise.

144 Article VI. Liability.

145 Any person or entity of a party jurisdiction rendering aid in another
146 jurisdiction pursuant to this compact shall be considered an agent of
147 the requesting jurisdiction for tort liability and immunity purposes.
148 Any person or entity rendering aid in another jurisdiction pursuant to
149 this compact shall not be liable on account of any act or omission in
150 good faith on the part of such person or entity while so engaged or on
151 account of the maintenance or use of any equipment or supplies in
152 connection therewith. "Good faith" in this article shall not include
153 wilful misconduct, gross negligence, or recklessness.

154 Article VII. Supplementary Agreements.

155 Because it is probable that the pattern and detail of the machinery
156 for mutual aid among two or more jurisdictions may differ from that
157 among the jurisdictions that are party to this compact, this compact
158 contains elements of a broad base common to all jurisdictions, and
159 nothing in this compact precludes any jurisdiction from entering into
160 supplementary agreements with another jurisdiction or affects any
161 other agreements already in force among jurisdictions. Supplementary
162 agreements may include, but are not limited to, provisions for
163 evacuation and reception of injured and other persons and the
164 exchange of medical, fire, public utility, reconnaissance, welfare,
165 transportation and communications personnel, equipment, and
166 supplies.

167 Article VIII. Workers' Compensation and Death Benefits.

168 Each party jurisdiction shall provide, in accordance with its own
169 laws, for the payment of workers' compensation and death benefits to

170 injured members of the emergency forces of such jurisdiction and to
171 representatives of deceased members of such forces if the members
172 sustain injuries or are killed while rendering aid pursuant to this
173 compact, in the same manner and on the same terms as if the injury or
174 death were sustained within their own jurisdiction.

175 Article IX. Reimbursement.

176 Any party jurisdiction rendering aid in another jurisdiction
177 pursuant to this compact shall, if requested, be reimbursed by the
178 party jurisdiction receiving such aid for any loss or damage to, or
179 expense incurred in, the operation of any equipment and the provision
180 of any service in answering a request for aid and for the costs incurred
181 in connection with such requests. An aiding party jurisdiction may
182 assume in whole or in part any such loss, damage, expense, or other
183 cost or may loan such equipment or donate such services to the
184 receiving party jurisdiction without charge or cost. Any two or more
185 party jurisdictions may enter into supplementary agreements
186 establishing a different allocation of costs among such jurisdictions.
187 Expenses under article VIII are not reimbursable under this section.

188 Article X. Evacuation.

189 Each party jurisdiction shall initiate a process to prepare and
190 maintain plans to facilitate the movement of and reception of evacuees
191 into its territory or across its territory, according to its capabilities and
192 powers. The party jurisdiction from which the evacuees came shall
193 assume the ultimate responsibility for the support of the evacuees, and
194 after the termination of the emergency or disaster, for the repatriation
195 of such evacuees.

196 Article XI. Implementation.

197 (a) This compact is effective upon its execution or adoption by any
198 two jurisdictions, and is effective as to any other jurisdiction upon its
199 execution or adoption thereby, subject to approval or authorization by
200 the United States Congress, if required, and subject to enactment of

201 provincial or state legislation that may be required for the effectiveness
202 of the Memorandum of Understanding.

203 (b) Any party jurisdiction may withdraw from this compact, but the
204 withdrawal shall not take effect until thirty days after the governor or
205 premier of the withdrawing jurisdiction has given notice in writing of
206 such withdrawal to the governors or premiers of all other party
207 jurisdictions. The action shall not relieve the withdrawing jurisdiction
208 from obligations assumed under this compact prior to the effective
209 date of withdrawal.

210 (c) Duly authenticated copies of this compact in the French and
211 English languages and of such supplementary agreements as may be
212 entered into shall, at the time of their approval, be deposited with each
213 of the party jurisdictions.

214 Article XII. Severability.

215 This compact is construed to effectuate the purposes stated in
216 Article I. If any provision of this compact is declared unconstitutional
217 or the applicability of the compact to any person or circumstances is
218 held invalid, the validity of the remainder of this compact and the
219 applicability of the compact to other persons and circumstances shall
220 not be affected.

221 Article XIII. Consistency of Language.

222 The validity of the arrangements and agreements consented to in
223 this compact shall not be affected by any insubstantial difference in
224 form or language as may be adopted by the various states and
225 provinces.

226 Article XIV. Amendment.

227 This compact may be amended by agreement of the party
228 jurisdictions.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2009</i>	New section
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PS *Joint Favorable*